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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,176	12/21/2000	William James Morrison	AUS920000765US1	2913
35525	7590	04/07/2006	EXAMINER	
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			THEIN, MARIA TERESA T	
		ART UNIT		PAPER NUMBER
				3627

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/746,176	MORRISON ET AL.
	Examiner	Art Unit
	Marissa Thein	3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 06 September 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-48 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-48 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

#### **DETAILED ACTION**

In view of the Appeal Brief filed on September 6, 2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 33-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.** The claims are indefinite because the instruction should recite instructions for performing or executing the steps rather than the steps themselves.

**Claims 1, 13, 17, 29, 33, and 45 are rejected below under 35 U.S.C. 102(b) as anticipated by the article “Packaged Apps Give Auctioneers Rich New Options” (Packaged) or, in the alternative, under 35 U.S.C. 103(a) as obvious over the website [www.opensite.com](http://www.opensite.com) (Opensite) the article “Packaged Apps Give Auctioneers Rich New Options” (Packaged).**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 13, 17, 29, 33, and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by the article “Packaged Apps Give Auctioneers Rich New Options” (Packaged).**

Regarding claims 1, 17, and 33, Packaged discloses a method, system and computer-readable medium for permitting simultaneous submission of bids on multiple different items using a single screen image, comprising: simultaneously displaying, at a computer network, using a single screen image, a plurality of different items offered for auction; permitting entry of a different bid for each of a plurality of said plurality of different items using said single screen image; and simultaneously submitting, over said computer network, each said different bid for each of said plurality of different items from said single screen image (paragraph 9; paragraph 6).

Regarding claims 13, 29, and 45, Packaged discloses means for permitting an entry of a proxy (paragraph 9).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3, 9-19, 25-35, and 41-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over the website www.opensite.com (Opensite) the article “Packaged Apps Give Auctioneers Rich New Options” (Packaged).**

Regarding claims 1-3, 9, 13-19, 25, 29-35, 41, and 45-48, the website Opensite discloses a method in an electronic auction for permitting simultaneous submission of bids on multiple different items (page 45): simultaneously displaying, at a computer network, using a single screen image, plurality of different items offered for auction (AuctionWatch Screen, page 45; Screen, page 53); permitting entry of a different bid for each of a plurality of said plurality of different items (MultiBid page 45); and simultaneously submitting, over said computer network, each said different bid for each of said plurality of said plurality of different items from said single screen image (AuctionWatch, page 45). Opensite discloses using ones of a plurality of auction types (page 46; pages 54-55) (**claims 2, 18 and 34**); interactive auction (eAuctioneer, page 46; Bidder's Interface with eAuctioneer, pages 53-54) (**claims 3, 19, and 35**). Opensite further discloses: receiving said different bid submitted for each of said plurality of said

plurality different items (AuctionWatch Screen, page 45; Screen, page 53; MultiBid page 45); and simultaneously displaying a confirmation of said different bid submitted for each of said plurality of said plurality of different items using a second single screen image (Bidder's Interface with eAuctioneer, pages 53-54 58) (**claims 9, 25, and 41**); the step of permitting entry of a proxy (AutoBid, page 55) (**claims 13, 29, and 45**); the step of simultaneously submitting said bid for each of said plurality of said plurality of different items (MultiBid page 45) and said proxy for at least one of said plurality of said plurality of different items (AutoBid, page 55) (**claims 14, 30, and 46**); the step of simultaneously displaying a plurality of different offerings offered for auction, wherein an offering includes one or more items (Screen, page 53; Item counts, page 54) (**claims 15, 31, and 47**); and selecting a plurality of said plurality of different offerings to displays to a particular user, and simultaneously displaying, only the selected plurality of said plurality of different offerings (**claims 16, 32, and 48**) (AuctionWatch Screen, page 45; Screen, page 53; AuctionWatch page 55).

However, Opensite does not explicitly disclose the permitting entry of different bid using a single screen image. Opensite does disclose allowing bidders to bid on multiple items at one and the bidder can bid on many different items at the same time (MultiBid, page 45).

The article Packaged, on the other hand, teaches the permitting entry of different bid using a single screen image (paragraph 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method, system, computer-readable

medium of Opensite, to include the permitting entry of different bid using a single screen image, as taught by the article Packaged, in order to provide convenience and ease to the bidder when bidding.

Regarding claims 10-12, 26-28, and 42-44, Opensite discloses simultaneously submitting a different bid for each one of a first plurality of said plurality of different items and submitting a modification, canceling, or revising for each one of a second plurality of said plurality of different items (Parcel bidding, page 56; Bidder's Interface with eAuctioneer, pages 53-54; Reserve Bids, page 46; Delete Erroneous Bids to enable customer bids to be deleted, page 55; Bid Increments, page 56).

**Claims 4, 7, 20, 23, 36, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over the website [www.opensite.com](http://www.opensite.com) (Opensite) the article "Packaged Apps Give Auctioneers Rich New Options" (Packaged), as applied to claim 1 above, and further in view of U.S. Patent No. 5,826,244 to Huberman.**

Opensite and Packaged substantially discloses the claimed invention, however, the combination does not disclose single auction. The combination discloses Multiple Bidding Logics which sets the winning bid rules (Opensite, Multiple Bidding Logics, page 46). The combination further discloses Parcel bidding and Reserve bidding (Opensite, page 46).

Huberman, on the other hand, teaches single bid (sealed bid) (col. 10, lines 44-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include single auction, in

order to provide an economically efficient market to establish prices (Huberman, col. 2, lines 48-51).

**Claims 5, 21, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over the website www.opensite.com (Opensite) the article “Packaged Apps Give Auctioneers Rich New Options” (Packaged), as applied to claim 1 above, and further in view of U.S. Patent No. 5,845,265 to Woolston.**

Opensite and Packaged substantially discloses the claimed invention, however, the combination does not disclose priced auction. The combination discloses Multiple Bidding Logics which sets the winning bid rules (Opensite, Multiple Bidding Logics, page 46).

Woolston, on the other hand, teaches priced auction (col. 3, lines 25-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include priced auction, in order to provide a participant to electronically purchase the goods directly without the bidding (Woolston, col. 3, lines 25-26).

**Claims 6, 8, 22, 24, 38, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over the website www.opensite.com (Opensite) the article “Packaged Apps Give Auctioneers Rich New Options” (Packaged), as applied to claim 1 above, and further in view of U.S. Patent No. 5,826,244 to Huberman and U.S. Patent No. 5,845,265 to Woolston.**

Opensite and Packaged substantially discloses the claimed invention, however, the combination does not disclose single auction and priced auction. The combination

discloses Multiple Bidding Logics which sets the winning bid rules (Opensite, Multiple Bidding Logics, page 46). The combination further discloses Parcel bidding and Reserve bidding (Opensite, page 46).

Huberman, on the other hand, teaches single bid (sealed bid) (col. 10, lines 44-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include single auction, in order to provide an economically efficient market to establish prices (Huberman, col. 2, lines 48-51).

Woolston, on the other hand, teaches priced auction (col. 3, lines 25-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include priced auction, in order to provide a participant to electronically purchase the goods directly without the bidding (Woolston, col. 3, lines 25-26).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,598,026 to Ojha discloses a method and apparatus for facilitating a transaction between a buyer and one of a plurality of sellers via Internet.

The article "New Web Auction Is a Dream Come True For Collectors of Even The Most 'Hard to Find' Items" discloses Opensite includes unique features such as passport that allows for one-time sign-on and quick navigation through the site, and a

multi-bid feature that allows the user to place bids on multiple times from a single screen.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mtot  
March 30, 2006



STEVE B. MCALLISTER  
PRIMARY EXAMINER